

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

Thursday, the Twenty Sixth Day of August, Two Thousand and Four

Present :

The Hon'ble Mr.Justice J.CHELAMESWAR

W.P.No.12583 of 1994

Between :

Ch.R.K.Prabhakar Rao,

S/o Late Prasada Rao,

Aged : About 50 years,

Presently working as Warehouse Manager,

A.P.State Warehousing Corporation,

Bhimavaram, West Godavari District

R/o Bhimavaram, West Godavari District .. Petitioner

And

1. Andhra Pradesh State Warehousing

Corporation, Hyderabad represented

by its Managing Director

2. The Chairman,

Andhra Pradesh State Warehousing

Corporation, Hyderabad .. Respondents

Petition under Article 226 of the Constitution of India to issue an appropriate Writ, order or direction more particularly in nature of WRIT OF CERTIORARI and call for the records relating to and connected with the Proc.No.SWC/18109-Enq(19)/e6/92, dated 3.6.1994 of the Chairman, A.P.State Warehousing Corporation, Hyderabad and quash or set aside the same with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the petitioner : Mr.Meherchand Noori

Counsel for the respondents : Mr.G.Bhaskar Rao

The Court made the following **ORDER** :

The writ petition is filed with the prayer as follows :

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court in the interest of justice be pleased to issue an appropriate Writ, order or direction more particularly in nature of WRIT OF CERTIORARI and call for the records relating to and connected with the Proc.No.SWC/18109-Enq(19)/e6/92, dated 3.6.1994 of the Chairman, A.P.State Warehousing Corporation, Hyderabad and quash or set aside the same with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

The petitioner is an employee of the 1st respondent Corporation. Disciplinary proceedings were initiated against the petitioner on three charges. The charge sheet was issued on 1.12.1992. An enquiry was conducted and a report was submitted on 13.3.1993. According to the report, of the three charges, only one i.e., the second charge was proved. Thereupon, a show-cause notice dated 11.8.1993 was issued to

the petitioner to which the petitioner replied on 2.9.1993. By an order dated 10.11.1993, punishment of stoppage of one annual increment with cumulative effect was awarded. Aggrieved by the same, the petitioner herein preferred an appeal before the departmental appellate authority which appeal came to be dismissed by an order dated 3.6.1994.

The only submission made by the learned counsel for the petitioner in the writ petition is that of all the 30 members against whom disciplinary proceedings were initiated, one other member P.Bheema Raju whose case is identical with that of the petitioner was imposed only a penalty of severe warning and therefore there is a discriminatory application of law to the petitioner.

Except from the statement of the petitioner in the affidavit that the above mentioned Sri P.Bheema Raju is similarly situated, there is no opportunity for verifying whether the said P.Bheema Raju, is in fact, similarly situated. He is not made a party respondent to the writ petition. We do not know what are the facts of the case against the said P.Bheema Raju and what are the circumstances that weighed with the respondent to give him a lesser punishment than the one given to the petitioner. On this ground itself, in my view, the writ petition is required to be dismissed and is therefore dismissed.

knk 26.08.2004

To

1. **The Managing Director, A.P.State Wearhousing Corporation,
Hyderabad.**
2. **The Chairman, A.P.State Wearhousing Corporation, Hyderabad.**
3. **Two CD copies.**